



## FUNDING INFORMATION STATEMENT

### GONSALVEZ & ORS V EMERGENCY SERVICES SUPERANNUATION BOARD

Case: S ECI 2024 01683

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#### ***How is the group proceeding being funded?***

The group proceeding is partly funded by Omni Bridgeway (Fund 5) Australian Inv. Pty Ltd (the **Funder**), with the balance funded by Gordon Legal on a 'No- win, No-Fee' basis. The Funder is associated with Omni Bridgeway Limited, a publicly listed company on the Australian Securities Exchange. The Funder has entered into or will enter into litigation funding agreements with the Lead Plaintiffs and some group members, and the contract sets out the terms on which the Funder provides funding, including the terms on which that funding may cease to be provided.

In the event that the Lead Plaintiffs' funding arrangements change, the Plaintiffs will amend this Funding Information Summary Statement.

#### ***When will litigation funding costs be charged to the Lead Plaintiffs or group members?***

**In no circumstances will group members ever be out of pocket by participating in the group proceeding – whether the case is successful or unsuccessful.**

If the group proceeding is successful, (whether by settlement or judgment), the funding agreements provide for the Funder to be reimbursed the legal costs it has paid, and paid a funding commission of between 15% and 25% of the total Resolution Sum.

The Court may be asked to make a common fund order, which is an order requiring all group members to contribute to the costs of funding the proceeding on a fair basis, including those who have not signed a funding agreement. If the Court is minded to make a common fund order in this case, the Funder intends to submit that the funding rate that the Court should apply to the unfunded group members be the same as the rate in the funding agreements.

Any payment of legal fees or commission must be first approved by the Court as fair.

If the group proceeding is unsuccessful, the Funder will cover the costs.

#### ***How will the amounts payable to the Funder be calculated?***

During the life of the group proceeding, Gordon Legal will record its fees based on an hourly rate for the time its staff spend working on the claim. Gordon Legal will be part paid by the Funder pursuant to those rates and hours. Expenses incurred in running the case (for example, fees charged by experts and barristers) are charged at cost.

If the group proceeding is successful, the Funder will be entitled to have the costs it has spent in conducting the litigation paid back to it, plus a share of any Resolution Sum, such as an award by a Court or an amount paid by way of settlement. The amount that would be charged, depends on how long the proceedings take to be resolved. The longer the class action takes,

the higher the percentage that is charged. In addition, if the proceedings take longer than two years to resolve, interest can be applied to Resolution Sum in the amount of 10% per annum.

***Who can I contact for more information?***

In order to obtain further information about the litigation funder and the terms of the funding agreements, Group Members can contact the funder by email at [ESSSuper@omnibridgeway.com](mailto:ESSSuper@omnibridgeway.com)

For further information about the group proceeding generally, you can contact Gordon Legal by sending an email to [ESSSuper@gordonlegal.com.au](mailto:ESSSuper@gordonlegal.com.au) or by calling 1300 59 95 17.

You will not be charged for these enquiries.